

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
10

11 BONNI L. MALONE,

12 Plaintiff(s),

13 v.

14 NANCY A. BERRYHILL,

15 Defendant(s).

Case No.: 2:19-cv-00150-APG-NJK

**Order**

[Docket No. 1]

16 Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*  
17 (Docket No. 1), and has submitted a Complaint (Docket No. 1-1).

18 **I. Application to Proceed *In Forma Pauperis***

19 Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application  
20 has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly,  
21 the application to proceed *in forma pauperis* will be granted pursuant to § 1915. The Court will  
22 now review Plaintiff's complaint.

23 **II. Screening the Complaint**

24 When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen  
25 the complaint. *See* 28 U.S.C. § 1915(e). With respect to social security appeals specifically, judges  
26 in this District have outlined some basic requirements for complaints to satisfy the Court's  
27 screening. First, the complaint must establish that administrative remedies were exhausted  
28 pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after

1 notice of a final decision. Second, the complaint must indicate the judicial district in which the  
2 plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when  
3 the plaintiff claims to have become disabled. Fourth, the complaint must contain a plain, short,  
4 and concise statement identifying the nature of the plaintiff's disagreement with the determination  
5 made by the Social Security Administration and show that the plaintiff is entitled to relief. *See*,  
6 *e.g.*, *Graves v. Colvin*, 2015 WL 357121, \*2 (D. Nev. Jan. 26, 2015) (collecting cases).

7 Plaintiff's complaint seeks judicial review of the Commissioner's decision denying social  
8 security benefits, which was affirmed by the Appeals Council on November 27, 2018. *See* Docket  
9 No. 1-1 at 5-9. Plaintiff alleges that the ALJ erred in the factual determination as to the  
10 impairments she suffers and in the legal application of the standards for determining disability.  
11 *See id.* at 3. Plaintiff also describes the nature of her disability and resides in this District. *See id.*  
12 at 2, 3. Accordingly, the Court finds the complaint sufficient for screening purposes.

### 13 **III. Conclusion**

14 Accordingly, the Court hereby **ORDERS** as follows:

- 15 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the  
16 fees shall be paid if recovery is made. At this time, Plaintiff shall not be required to  
17 pre-pay the filing fee.
- 18 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of  
19 prepayment of any additional fees or costs or the giving of a security therefor. The  
20 Order granting leave to proceed *in forma pauperis* shall not extend to the issuance of  
21 subpoenas at government expense.
- 22 3. The Clerk of Court shall file the Complaint.
- 23 4. The Clerk of Court shall serve the Commissioner of the Social Security Administration  
24 by sending a copy of the summons and Complaint by certified mail to: (1) Office of  
25 Regional Chief Counsel, Region IX, Social Security Administration, 160 Spear St.,  
26 Suite 899, San Francisco, California 94105-1545; and (2) the Attorney General of the  
27 United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Room 4400,  
28 Washington, D.C. 20530.

- 1 5. The Clerk of Court shall issue summons to the United States Attorney for the District  
2 of Nevada and deliver the summons and Complaint to the U.S. Marshal for service.
- 3 6. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been  
4 entered by counsel, upon the attorney, a copy of every pleading, motion or other  
5 document submitted for consideration by the court. Plaintiff shall include with the  
6 original paper submitted for filing a certificate stating the date that a true and correct  
7 copy of the document was personally served or sent by mail to the defendants or  
8 counsel for the defendants. The court may disregard any paper received by a district  
9 judge or magistrate judge which has not been filed with the Clerk, and any paper  
10 received by a district judge, magistrate judge or the Clerk which fails to include a  
11 certificate of service.

12 IT IS SO ORDERED.

13 Dated: January 29, 2019

14   
15 \_\_\_\_\_  
16 Nancy J. Koppe  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28